

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA,

CASE NO.: 00-6329 CR-FERGUSON

Plaintiff,

v.

NICHOLAS LEVANDOSKI,

Defendant.

**OBJECTIONS TO SENTENCING GUIDELINE COMPUTATION AND  
PRESENTENCE INVESTIGATION REPORT**

COMES NOW, the Defendant, NICHOLAS LEVANDOSKI, by and through his undersigned counsel, and respectfully files the following objections to the Sentencing Guideline Computation and statements made in the Presentence Investigation Report, and would specifically state the following:

1. Defendant objections to Paragraph 26 of the Presentence Investigation Report concerning the Role Assessment, in that neither Levandoski nor Schur are responsible for \$433,433.00 in losses.
2. Defendant objects to Paragraph 33 of the Presentence Investigation Report concerning the Specific Offense Characteristics, in that the amount of the loss is overstated.
3. Defendant, objects to Paragraph 39 of the Presentence Investigation Report concerning the Adjusted Offense Level which is overstated.
4. Defendant objects to Paragraph 43 of the Presentence Investigation Report concerning the Total Offense Level which is overstated.

5. Defendant objects to Paragraph 78 of the Presentence Investigation Report concerning the Guideline Provisions, in that the correct Total Offense Level is 14 with a Criminal History Category of I. Accordingly, the Guideline Imprisonment Range should be 15 to 21 months.

WHEREFORE, the Defendant, NICHOLAS LEVANDOSKI, respectfully move this Honorable Court to adopt the above stated changes in the Sentencing Guideline Computation and Presentence Investigation Report.

I HEREBY CERTIFY that a true and correct copy of the above and foregoing was furnished this **2nd day of MARCH, 2001**, to: Marilyn Westfield, U.S. Probation Officer, 300 N.E. 1<sup>st</sup> Avenue, Room 315, Miami, FL 33132-2126; and the Assistant United States Attorney, Robert Nicholson, 500 East Broward Boulevard, Seventh Floor, Fort Lauderdale, Florida 33301.

Respectfully submitted,

LAW OFFICE OF MARTIN I. JAFFE  
Martin I. Jaffe, Esquire  
Attorney for Defendant  
Emerald Lake Corporate Park  
3111 Stirling Road  
P.O. Box 9057  
Fort Lauderdale, Florida 33310-9057  
(954) 985-4157

By: 

MARTIN I. JAFFE, ESQ.  
Florida Bar No. 244848